

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25825 of 2022**

Arising Out of PS. Case No.-43 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Sudhir Kumar @ Sudhir Ray @ Sudhir Kumar Rai Son of Bhagay Narayain
Ray Resident of village - Muksudpur, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanajali Rishi, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-09-2022 Learned counsel for the petitioner is permitted to
remove the defects within two weeks.

Heard Mr. Patanajali Rishi, learned counsel for the
petitioner and Mr. Ashok Kumar Singh, learned APP for the
State.

This is the second attempt of the petitioner to obtain
bail in connection with Runnisaidpur P.S. Case No.43 of 2019
registered under Sections 30, 30(a), 38(i) (ii) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner was rejected vide order dated
02.03.2022 in Cr.Misc.No. 45623 of 2021 on the solitary ground
that in paragraph '3' of the application all the criminal



antecedents of the petitioner were not stated.

Learned counsel submits that the petitioner has got six criminal antecedents and in all the cases he is on bail. In connection with the present case, he is in jail since 15.06.2021.

As regards the allegations made in the FIR it is submitted that the petitioner is said to be one of the accused among the 7 persons named in the FIR who is said to be involved in getting the consignment of the liquor which was seized by police. It is his submission that the allegations are only hearsay and have no basis to stand.

It is further submitted that the similarly situated co-accused namely Raja Rai and Arvind Kumar have been granted anticipatory bail vide Cr.Misc.No. 34042 of 2019 and Cr.Misc.No. 32630 of 2021.

Learned APP for the State is present but has not disputed the contentions raised on behalf of the petitioner.

Having regard to the submissions noted hereinabove wherein the similarly situated co-accused have been granted bail and the petitioner has remained in jail in connection with this case for one year three months and there is no submission that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of



the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Runnisaipur P.S. Case No.43 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

